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W.P.No.18795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.18795 of 2024

and

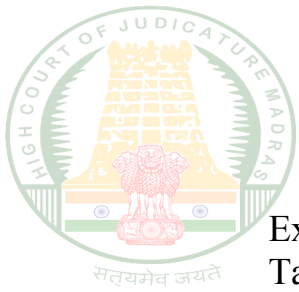
Writ Miscellaneous Petitions No.20616 of 2024

1. M. S. James,
Retired Head Master,
TELC Middle School,
Dindigul.
2. Mrs. S. Merchy Kamalabai,
W/o. S. James,
Retired Teacher,
TELC Middle School,
Dindigul.

... Petitioners

Vs.

1. The Director,
Director Elementary Education,
College Road,
Chennai – 6.
2. Mr. Justice J. Kanagaraj,
Retired High Court Judge,
Administrator TELC
Tanquebar House,
Trichirapalli – 620 001.
3. The Secretary,



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Executive Committee,
Tamil Evangelical Lutheran Church,
Tanquebar House,
Tiruchirapalli – 620 001.

4. RT. REV. DR. Christian Samraj,
The Bishop of Tanquebar / President of TELC,
Tanquebar House, Trichy – 621 001.
[R4 impleaded as per order dated 10.04.2024
in WMP No.4392/2024]

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st respondent to release the necessary funds to the 2nd respondent as per the settlement entered between the petitioners with the 3rd respondent and as per the proceedings No.1239, 19.10.2013 and pay the same to the petitioners with 11% interest from 2005 onwards till date.

For Petitioners : Mrs. M. E. Raniselvam
For R1 : Mr. R. Neethi Perumal
Government Advocate
For R2 : Died
For R3 : No appearance

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the first respondent to release the funds to be settled in favour of the petitioners.



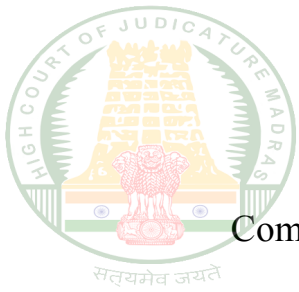
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2. The first petitioner Mr. M. S. James is the retired Head Master of TELC Middle School, Dindigal. The second petitioner Mrs. S. Mercy Kamalabai is a retired Teacher in the same School. They have filed W.P.Nos.17664 & 17665 of 1995 and W.P.No.20663 of 2000 and W.P.No.813 of 2001 challenging their orders of termination.

3. The High Court issued directions to the Secretary, Executive Committee, TELC to negotiate and finalise the settlement of monetary benefits to the petitioners. The date was also fixed for negotiations. Accordingly, on 12.10.2013 negotiations were conducted. The Chairman, Education Board, The Correspondent and other officials participated in the negotiation meeting and they have finalise the settlement of Rs.2,37,153/- to Mr. M. S. James (1st petitioner) and Rs.1,89,112/- to Mrs. S. Mercy Kamalabai (2nd petitioner) herein. On the basis of the settlement, the writ petitions were withdrawn and the petitioners have given stamp receipts for the said amount without receiving the amount. The stamp receipts given by them with the attestation of Mr. M. Natchathiraraj, Chairman, Education Board.

4. The above fact has been admitted by the Secretary, Executive



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Committee, in his letter dated 19.10.2013, wherein the extract from the EC proceedings No.1239 dated 19.10.2013 was recorded. When the Management itself has stated that the petitioners have given the stamp receipts for the amount finalized without receiving the amount, the respondents are bound to settle the same by honouring their commitments, which was agreed in the negotiation meeting held between the parties pursuant to the directions issued by the High Court.

5. Though the present writ petition is not entertainable in normal circumstances, this Court considered the age of the petitioners, who are 87 and 85 years old respectively and entertained the present writ petition as an exceptional case, and to meet the ends of justice.

6. The petitioners have signed the vouchers without receiving money, even as per the letter provided by the management of the School. Therefore, the present case cannot be cited as a precedent for maintaining a writ petition against a private institution.

7. Considering the petitioners age, both being octogenarians, respondents 3 and 4 are directed to pay the agreed amount along with admissible bank interest to the petitioners within a period of four (4) weeks



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from the date of a receipt of a copy of this order.

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8. This writ petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (K.R.S., J.)
25.02.2025

ssi

Index: Yes

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To

1. The Director,
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College Road, Chennai – 6.
2. Mr. Justice J. Kanagaraj,
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S. M. SUBRAMANIAM., J.
AND



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K. RAJASEKAR., J.

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W.M.P.No.20616 of 2024

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